NOMINATION OF NANCY A. MALOLEY

HEARING

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

SECOND SESSION

ON

THE NOMINATION OF NANCY A. MALOLEY TO BE A MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY

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NOMINATION OF NANCY A. MALOLEY

WEDNESDAY, JULY 21, 1982

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, D.C.

The committee met at 2:10 p.m., in room 4200, Dirksen Senate Office Building, Hon. Robert T. Stafford (chairman) presiding.

Present: Senators Stafford, Chafee, and Gorton.

OPENING STATEMENT OF HON. ROBERT T. STAFFORD, U.S. SENATOR FROM THE STATE OF VERMONT

Senator STAFFORD. The Committee on Environment and Public Works will please come to order.

This is a hearing of the committee to receive testimony from Nancy A. Maloley, who has been nominated by the President to become a member of the Council on Environmental Quality. This hearing is on her merits and qualifications for that office.

The history of the Council on Environmental Quality is a significant one. Since its creation in 1969 by title II of the National Environmental Policy Act, the Council on Environmental Quality has performed a role as the environmental conscience of the several administrations we have known since that date. That role has involved the functions of listening to the concerns of the American people about the quality of their environment and advocating that those concerns be addressed within the administration then in power.

The Council on Environmental Quality has performed other important functions, including the publication of its annual report, promulgation and enforcement of regulations effectuating the National Environmental Policy Act, which we will hear about later this afternoon, and, most importantly, the development of new policy thinking on environmental issues which have yet to be presented to Congress or the President applying creative thinking by environmental specialists anticipating environmental alternatives.

The position which Nancy has been appointed to fill has been vacant since the beginning of this administration. Her appointment, if confirmed, will bring the Council on Environmental Quality to full complement. It is my hope the Council can, with its full membership in place, uphold the fine record of this agency over its short but successful history.

Senator Randolph is unavoidably absent from todays hearing. He has asked that his statement be made a part of the record. So, without objection, I will place Senator Randolph's statement in the record at this point.

[Senator Randolph's statement follows:]

STATEMENT OF HON. JENNINGS RANDOLPH, U.S. SENATOR FROM THE STATE OF WEST VIRGINIA

I am pleased to join the Chairman in welcoming Miss Maloley as she appears before the Committee as member-designate of the Council on Environmental Quality. We have waited for more than a year for a nominee to fill the third seat on the Council. I had the pleasure of meeting with Miss Maloley earlier this week, and I look forward to the opportunity to discuss with her what she believes she can contribute to the Council if confirmed by the Senate.

The Council was charged with a large and important mission with the passage of the National Environmental Policy Act. It serves several unique and vital functions, not the least of which is advisor to the President on matters concerning the environment.

I have been disturbed that the current Administration has minimized the Council's role and capabilities by reducing its resources and staff. As the coordinating body for the diverse Federal Agency programs which affect the environment, the Council has been charged with a tremendous and important responsibility.

For over a decade the public and all levels of government have relied on the Council to keep track of the various environmental programs through the immensely popular Annual Report as well as other publications. Additionally the Council recognized the need to adopt an international perspective on natural resource and environmental matters witnessed by its efforts on the Global 2000 Report.

I look forward to learning from Miss Maloley where her particular interests are in this regard and what she would like to accomplish as a member of the Council.

Senator STAFFORD. Senator Gorton, do you have any opening statement before we ask Senator Lugar to introduce Nancy?

Senator GORTON. You just read it, Mr. Chairman.

Senator STAFFORD. I got here first.

In that event, the committee is delighted that our distinguished colleague from Indiana, Senator Lugar, is here, and we welcome your introduction of Nancy.

STATEMENT OF HON. RICHARD G. LUGAR, U.S. SENATOR FROM THE STATE OF INDIANA

Senator LUGAR. Thank you very much.

Mr. Chairman, Senator Gorton, this is indeed a rare personal privilege to introduce Nancy Maloley, the candidate nominated by the President to be a member of the Council on Environmental Quality. Nancy is a native of the State of Indiana, born in Fort Wayne about 36 years ago, with a bachelor of arts in political science from the University of Colorado. She was a staff assistant to former Congressman Ross Adair, who represented the Fourth District of Indiana for many years. She was a special assistant to the Administrator of EPA, my good friend in Indiana, Bill Ruckelshaus, who served in the capacity in EPA and many other roles in American public life. I was privileged to find her after that experience in EPA when I came to the Senate in January of 1977. In the beginning of my tenure in office she served as a member of my staff throughout 4 years of time until the advent of the administration of President Reagan.

Interestingly enough, Nancy was one of those people that the President tapped immediately from my staff, and I suspect each of us had that opportunity to give up valued people to this administration. But she became a legislative assistant and then a special assistant to the President, serving in the White House, and now has been nominated for this vacancy which has been there, as you

expressed, Mr. Chairman, since the beginning of the administration.

I would say just simply for personal reminiscence Nancy Maloley, given her background in the EPA at the time of the formative years of that agency, is steeped in the traditions, in the legislative history, and I think in the spirit of that. She was of invaluable assistance to me and to the people of Indiana in facing creative responses to our local and parochial problems and giving me sound advice on environmental issues throughout her tenure. So I am deeply pleased the President has made this nomination, and excited about introducing her to this committee today.

Senator STAFFORD. Thank you very much, Senator. Your introduction and your words about her will carry great weight with this committee, I can assure you. We are grateful to you for taking the time to do this. Knowing how busy you are, the committee will understand if you have other commitments you need to keep this afternoon. We would be glad to have you stay.

Senator LUGAR. You are very kind. I will ask to be excused, and Nancy I am sure has the confidence in what she has to say and will do well on her own.

Senator STAFFORD. Nancy, do you have a statement you would like to make to the committee at this time?

STATEMENT OF NANCY A. MALOLEY, MEMBER-DESIGNATE, COUNCIL ON ENVIRONMENTAL QUALITY

Ms. MALOLEY. Yes; I do.

Mr. Chairman and members of the committee, I consider it a very special honor to be appearing before you today as the President's nominee to be a member of the Council on Environmental Quality.

I want to begin by thanking you, the chairman of the committee, for holding this hearing today. I appreciate the time which members of the committee, as well as committee staff, spent with me prior to this hearing and for the interest they have expressed in the future of the Council on Environmental Quality. I especially want to thank Senator Lugar for being here today to introduce me at my confirmation hearing.

The Council on Environmental Quality was established in 1969 under the National Environmental Policy Act. Its mission, quoting from that law, is "to develop and recommend to the President national policies to promote the improvement of environmental quality, to meet the conservation, social, economic, and other requirements and goals of the Nation."

The President is committed to the enhancement and preservation of environmental values, and I share that commitment. As the President stated in the Council's 12th annual report:

> The American people insist on a quality environment. We also strive for economic progress and the promise of a better life. A clean, healthy environment is a fundamental part of that promise.

Mr. Chairman and members of the committee, I feel that serving the President as a member of the Council on Environmental Quality affords me a great opportunity to help fulfill the President's commitment to a higher quality of life for all Americans. I believe

that one of the ways the Council members can provide the President with the best advice on environmental issues is to listen to all groups who wish to participate in the formulation of environmental policy.

I would hope that the Council can continue to be a sounding board for the President as we listen to opinions, both critical and praiseworthy, about the administration's environmental policies. Certainly no one group or agency has a monopoly on the wisdom and knowledge to address complex environmental problems. It is essential that the experience, knowledge, and ideas of many individuals with differing viewpoints be brought to bear on these issues. As anyone who has ever been involved in environmental policymaking knows, the issues are far too complex, and affect far too many elements of our society, to lend themselves to simplistic, one-sided solutions. This is particularly true now as we enter a more complicated phase of environmental policymaking. The issues which will arise will be technical and will require a realistic balancing of environmental goals with other national objectives.

The Council on Environmental Quality has played a leadership role in developing many of the environmental policies and strategies which are now being implemented. It can play the same role in developing policies for the future, and in helping to assure that we preserve the environmental gains we have made, without sacrificing other essential national needs, such as economic growth and energy supply.

In continuing its role of developing policies for the future, the Council has taken a leadership role in two vital issues—acid rain research and a review of the Global 2000 report. The Council also serves as a full member of the Cabinet Council on Natural Resources and Environment. CEQ has also continued to monitor trends and environmental progress through the publication of an environmental trends report and the CEQ annual report. Thus, the Council continues to fully carry out its mandate, and I am confident that it will do so in the future.

As for my own qualifications for this position, I was privileged to serve for 5 years as a special assistant to two administrators of the Environmental Protection Agency, and then for 4 years as Senator Richard Lugar's legislative assistant for environmental and energy issues. Most recently, I have served as a senior staff member in the Office of Policy Development at the White House, in the same subject areas. I am hopeful that my past knowledge of environmental issues, as well as my professional relationship with the Senate committee staff and administration officials, will assist me in making valuable contributions to the Council, should I be confirmed.

I look forward, with your advice and consent, to the challenge of serving the President as a member of the Council on Environmental Quality.

Mr. Chairman, I thank you and your distinguished colleagues for the courtesies which you have extended to me, and for this opportunity to appear before you.

Thank you.

Senator STAFFORD. Thank you very for your very good statement.

I think, speaking as an individual Senator, that you certainly do have the background to serve on the Council on Environmental

Quality. I will state for the record that Bill Ruckelshaus, with whom you served at one time, gave you a resounding endorsement over the phone this noon. Anybody that he endorses I certainly would consider to be well qualified for a job in the environmental area.

Ms. MALOLEY. Thank you.

Senator STAFFORD. I do have to ask you one or two routine questions. One is do you own any property or have any financial or other interests that might bring you in a position of conflict of interest if you serve on the Council on Environmental Quality?

Ms. MALOLEY. No, sir, I do not.

Senator STAFFORD. Are you now or have you been associated with any person or corporation who could stand to gain significantly from your appointment as a member of the Council on Environmental Quality?

Ms. MALOLEY. No, sir.

Senator STAFFORD. Would you be willing at the request of any committee of the Senate or the House to appear in front of it as a witness, and can you make that statement without any qualifications?

Ms. MALOLEY. Yes; I can.

Senator STAFFORD. All right, thank you very much.

Senator Gorton, as we used to say in court, your witness.

Senator GORTON. Thank you, Mr. Chairman.

Would you enlighten us as to your own list of priorities as far as environmental issues are concerned? Where do you think we should be concentrating our attention and where do you intend to concentrate yours?

Ms. MALOLEY. I think that one of the most important issues we should be concentrating our attention on is the acid rain research effort. I know the committee has been involved over several months in the acid rain debate in attempting to find solutions to the present problem, and I believe that that is one area where the administration certainly has accelerated the research, has increased the budget, and I think it is important we find answers to the acid rain phenomenon as soon as possible.

Senator GORTON. Go on from that. What would you rank as another high?

Ms. MALOLEY. I think that it is very important we explore the Global 2000 report, and we are now looking into ways to review that report. It has been widely published abroad and it made some statements about the resources and the future of the resources of the world. I think it is very important that we review that data for its validity.

Senator GORTON. In connection with this next question, if your answer is in the affirmative, at this point I am not going to ask you the particular area, but has the administration taken a position on any environmental resource issue while you have been in your present position with which you personally disagree?

Ms. MALOLEY. I have spent a lot of time in my present job formulating options for the President, and I think it would be unnatural to think I could agree 100 percent along the options that have been formed. I had my own views on certain of those options. I have agreed fully with the decisions which the President has made.

Senator GORTON. Has your function been simply to present options or have you also presented recommendations as to which options to take?

Ms. MALOLEY. No; my function has been to present options to the Cabinet Council on Environment and Natural Resources.

Senator GORTON. And neither you nor your supervisor has made recommendations to the Council as to which side you think the Cabinet Council should come down?

Ms. MALOLEY. No; we have not. We present options.

Senator GORTON. Do you feel that your position on the Council on Environmental Quality will be somewhat different than that? Will you be engaged in making policy recommendations as well as sending out options?

Ms. MALOLEY. Yes; I see that as a role of the Council on Environmental Quality, to make recommendations to the President as an adviser.

Senator GORTON. Do you have in your own mind positions on some of these areas you have already described that you are likely to make, or at least likely to get through the other two members of your Council?

Ms. MALOLEY. I have certain areas that I want to look into, the two I mentioned, acid rain and Global 2000. I don't have any conclusions on either one of those at this point, or any positions.

Senator GORTON. You are obviously well aware of the fact there is a great deal of antagonism expressed between a number of elements of the administration and what might collectively be called the environmentalist community. Do you feel that your position is such and your post record is such that you can listen with interest to the desires of the environmentalist community and make objective decisions in respect to that advice?

Ms. MALOLEY. Yes; I absolutely do. I feel that I have had very cordial relationships with members of the environmental community, and I look forward to listening to them.

Senator GORTON. Will you feel comfortable in presenting positions which they reflect with which you may not agree but which deserve considerations?

Ms. MALOLEY. Yes; I would. I would feel very comfortably presenting their point of view.

Senator GORTON. Thank you, Mr. Chairman.

Senator STAFFORD. Thank you, Senator Gorton.

Senator Chaffee, this is a hearing with respect to Nancy Maloley to be a member of the Council on Environmental Quality.

One more question has occurred to the chair during testimony, Nancy, and that follows up what Senator Gorton has been pursuing; that is, as we understand the role of the Council, certainly an important part of it is listening to the concerns of the American people as well as to the concerns of the administration, and hopefully they will be the same. But I gather that you feel you will be able to do both in formulating whatever opinions you reach in the future; is that correct?

Ms. MALOLEY. Yes; we will. We hope they are the same, too.

Senator STAFFORD. Senator Chafee, do you have any questions?

Senator CHAFEE. No, I don't Mr. Chairman. I had the opportunity to meet Ms. Maloley last week and appreciate your coming by.

Ms. MALOLEY. Thank you, Senator.

Senator STAFFORD. I think unless there is some other witness with respect to this nomination that the Chair is about to close this hearing so that the Subcommittee on Toxic Substances and Environmental Oversight can take over.

There being no other witness, the meeting of the full committee is adjourned.

[Whereupon, at 2:28 p.m., the committee recessed, to reconvene subject to call of the Chair.]

[Ms. Maloley's résumé follows:]

RÉSUMÉ OF NANCY A. MALOLEY

POSITIONS HELD

April 1981 to Present—Senior Staff Member, Office of Policy Development, The White House: Responsible for the development of Administration policy covering environmental and natural resource issues. Participate in Administration working group meetings and serve as the Office of Policy Development representative to the Cabinet Council on Natural Resources and Environment. Provide advice and recommendations to the Assistant to the President for Policy Development.

November 1980 to January 1981—Director for Legislation—EPA Transition Team: Summarized EPA legislation to be considered by the Administration and Congress early in the 97th Congress and presented legislative options to amend major legislation.

January 1977 to November 1980—Legislative Assistant to Richard G. Lugar U.S. Senator, Indiana: Followed all environmental and energy bills before Congress and advised Senator on their content and merit. Prepared energy and environment legislation for introduction by the Senator and developed and advocated Senator's legislative initiatives. Also followed and advised on special projects in Indiana pending before regulatory agencies of the federal government.

September to November 1976—Administrative Assistant to Robert M. Teeter, Director of Research and Polling, President Ford Committee: Coordinated the President Ford and Opposition Research Divisions of the President Ford Committee. Primarily responsible for developing and disseminating briefing material on the positions of both President Ford and Governor Carter for use by Cabinet members, Republican Representatives and Senators and White House aides who spoke across the country on behalf of President Ford.

January 1971 to September 1976—Special Assistant to the Administrator, Environmental Protection Agency:

Writing and Research: Researched and wrote positions papers dealing with newsworthy agency issues and policies for briefings for Administrator, as well as for the President, Vice President, and Cabinet members. Composed correspondence for Administrator's signature of political, policy and legislative nature covering all EPA program and legislative areas. Wrote and edited a four-page weekly newsletter for distribution to all Agency employees; carried out other writing and research assignments as requested by Administrator.

Administrative: Developed and supervised a briefing system for the Administrator and reviewed all briefing material for internal meetings. Served as Director of EPA Scholarship Fund, reviewed appointments to Advisory Boards. Handled White House Personnel referrals.

Public Relations: Advanced speaking engagements for the Administrator requiring preparation of itinerary and briefing materials, as well as travel to and from destination.

September 1969 to December 1970—Staff Assistant to E. Ross Adair, U.S. Representative, Indiana: Carried out assignments for Administrative Assistant and Legislative Assistant. Assigned to District campaign office for 1970 campaign to work with press assistant in preparing press releases and scheduling appearances for Congressman.

January 1969 to September 1969—Secretary to John N. Erlenborn, U.S. Representative, Illinois.

September 1968 to December 1968—Nixon-Agnew Campaign Committee, Washington, D.C.

July 1968 to September 1968—Congressional Intern to E. Ross Adair.

EDUCATION

University of Colorado, B.A., Political Science, 1968. Honors.

AWARDS

Outstanding Young Women of America, 1976

REFERENCES

Upon Request.

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